

REMARKS

The Official Action mailed May 12, 2008 has been carefully considered. Claims 1-5, 8-14, 16 and 19-25 are pending in the present application and stand rejected. Claims 1-5, 9-11, 16, 19-21, 23 and 25 have been amended and claim 8 has been cancelled. Reconsideration and allowance of the subject application, as amended, are respectfully requested.

Claim Amendments

Claim 1 has been amended to recite “non-high performance fiber”. Support for this amendment may be found in paragraph [0025], which recites that “non-high performance fibers are those fibers that have mechanical properties less than those for the high performance fabric recited herein.” No new matter has been added by this amendment. Accordingly, the claim has been amended consistent with the Examiner’s understanding and it is respectfully requested that the rejection under 35 USC §112, second paragraph of claims 1-5, 8-14, 16, and 19-22 be withdrawn.

In addition, claim 1 has been amended to recite “first non-woven fabric material” and “second non-woven fabric material.” Support for this amendment may be found in paragraph [0012] of the present application which recites: “a fabric material contemplates woven, non-woven, and knitted materials.” No new matter has been added by this amendment.

Furthermore, claim 1 has been amended to recite that the “first non-woven fabric material comprises fibers that have a first axis of orientation, and wherein said second non-woven fabric material comprise fibers having a second axis of orientation, and wherein said first and second axis of orientation are different.” Support for this amendment may be found, for example, in now cancelled claim 8. No new matter has been added by this amendment.

Claims 2-5, 9-11, 16, 19-21 have been amended accordingly.

Claim 9 has been amended to correct dependency. No new matter has been added.

Claim 23 has been amended to recite “a first non-woven fabric” and a “second non-woven fabric”. Support for this amendment may be found in paragraph [0012] of the present application recited above.

Claim 25 has been amended accordingly.

Rejections Under 35 USC §103

Claims 1-5, 8-14 and 16 stand rejected under 35 USC §103(a) as being unpatentable over Denesuk et al., U.S. Patent No. 6,196,156 in view of Jordan, U.S. Patent No. 5,226,384 and Sullivan, U.S. Patent No. 5,087,499.

As noted above, independent claim 1 has been amended to recite: “first non-woven fabric material comprises fibers that have a first axis of orientation, and wherein said second non-woven fabric material comprise fibers having a second axis of orientation, and wherein said first and second axis of orientation are different.” It is respectfully asserted that the references of Denesuk, in view of Jordan and Sullivan fail to disclose or render obvious the presently claimed subject matter.

Denesuk is referenced in the *Office Action* of May 12, 2008 for disclosing “an article for use by pets comprising a core which may comprise foam or other types of fillers such as synthetic and natural fibers (col. 10, lines 28-41) and a fabric cover.” Page 2. The *Office Action* notes that “Denesuk differs from the claimed invention because Denesuk does not teach that at least one of the fibers should be a high strength fiber” and turns to Jordan for teaching that “high strength fibers such as aramid fibers can be used in forming covers for articles used by pets.” Pages 2-3. However, Jordan does not teach “blending [high strength] fibers with other fibers.” *Office Action* page 3. Accordingly, the *Office Action* references Sullivan for teaching that “it is known in the art to blend high strength fibers with other fibers.” *Office Action* page 3.

Applicant notes that the above references do not teach or render obvious that a first non-woven fabric material comprises fibers that have a first axis of orientation, and wherein said second non-woven fabric material comprise fibers having a second axis of orientation, and wherein said first and second axis of orientation are different.

In addition to the above, it is noted that independent claim 1 recites that a second non-woven fabric material is partially disposed over the compressible material and a portion of the first nonwoven fabric material. The *Office Action* asserts that Denesuk discloses that “the fabric cover may comprise two different types of fabric and each type of fabric only partially covers the core.” Page 2. The *Office Action* refers to col. 10, line 60-col. 11, line 7 and col. 11, lines 38-46

as well as example 4. Upon review col. 10, line 60-col. 11, line 7 discloses “[a]n alternative bedding article 110 is as shown in FIG. 2, including the sidewall 112 and the base 114.” The “sidewall 112 and base 114 may be constructed using a variety of material and structures, including a soft-flexible foam core material formed in or cut into the appropriate shape(s); a hollow-type structure comprised of polyethylene or polypropylene; or a filled- or stuffed- type structure.” Col. 11, lines 38-46 disclose that the cover “can be constructed in whole or in part from vinyl, denim, or nylon fabric. Portions of the cover can also be constructed using a synthetic material which simulates fur, such as an artificial sheepskin fabric.” Furthermore, example 4 discloses that the bed may possess “a fleece top, a poly-cotton print bottom, and a zipper (on the short side).” However, none of these references provided in Denesuk disclose that a second non-woven fabric material is partially disposed over said compressible material and a portion of the first non-woven fabric material. In addition, neither Jordan nor Sullivan make up for the deficiencies of Denesuk. Accordingly, in addition to the reasons discussed above, Denesuk in combination with Jordan and Sullivan fail to disclose or render obvious independent claim 1 or the claims dependent therefrom.

Claims 19-25 stand rejected under 35 USC §103(a) as being unpatentable over Denesuk in view of Jordan and Sullivan as applied to the claims above, in further view of any one of Bottger et al, U.S. Patent No. 6,610,618; Howland, U.S. Patent Application Publication No. 2003/01091785 or Johnson, U.S. Patent No. 696,567.

It is respectfully asserted, that claims 19-22 depend either directly or indirectly from claim 1 and therefore for the reasons stated above define over the references cited herein.

In addition, with respect to claims 23-25, the *Office Action* asserts that “[e]ach of Bottger, Howland and Johnson ‘567 teach that it is known in the art to form woven fabrics having different degrees of strength in the MD versus the CD and to layer the fabrics so that the axis of each fabric is at an angle relative to the other fabrics in order to enhance the strength of the finished product.” *Office Action*, page 4.

However, Applicant notes that the references refer to woven fabrics and do not appear to disclose that a first and second non-woven fabric materials include an axis of orientation,

wherein the fabric materials have a higher strength in one direction versus another direction, and the axis of orientation of said first and second materials are not aligned relative to each other. More specifically, Bottger refers to “a penetration-resistant material having at least a double layer of fabric composed of two layers of woven fabric which are cross-ply at an angle.” Abstract. Howland refers to “a fabric system for producing at least a woven fabric of controlled modulus or elongation in the MD or warp axis.” Abstract. In addition, Johnson refers to “an appropriate material or article of manufacture for chair seats and backs or other uses, the said material consisting of a body layer or laminæ of suitably-woven textile fabric. Col. 1, lines 9-15.

Accordingly, Applicant respectfully asserts that the above references do not teach or render obvious that a first and second non-woven fabric materials include an axis of orientation, wherein the fabric materials have a higher strength in one direction versus another direction, and the axis of orientation of the first and second materials are not aligned relative to each other.

Having dealt with all the objections raised by the Examiner, it is respectfully submitted that the present application, as amended, is in condition for allowance. Thus, early allowance is earnestly solicited.

If the Examiner desires personal contact for further disposition of this case, the Examiner is invited to call the undersigned Attorney at 603.668.6560.

In the event there are any fees due, please charge them to our Deposit Account No. 50-2121.

Respectfully submitted,

By: /Steven J. Grossman, Ph.D./
Steven J. Grossman, Ph.D.
Reg. No. 35,001